BAR BULLETIN

PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION

LEADING ARTICLES

Vol. 15 AUGUST, 1940 No. 12

BAR BULLETIN

Official Monthly Publication of Los Angeles Bar Association. Entered as second-class matter May 5, 1938, at the Postoffice at Los Angeles, California, under Act of March 3, 1879.
Subscription Price $1.00 a Year; 10c a Copy

VOL. 15 AUGUST, 1940 No. 12

HAVE YOU REGISTERED IN LAWYERS' REFERENCE SERVICE?

THE June BULLETIN gave you advance information regarding our Lawyers' Reference Service, with a reprint of the forms and the rules (15 L. A. Bar Bulletin No. 10, June, 1940). President Freston's June letter brought to each member a "Registration Form" and an invitation to register in the Service, stating:

> "Your Board of Trustees hopes that each of you will cooperate to insure the fullest success of the Service by filling in the 'Registration Form' and returning it now."

For the operation of the new Service, three separate lists or indexes are now being compiled from Registration Forms in the same order as received, as the rules require (15 *L. A. Bar Bulletin* (June, 1940) Rule 9, p. 232). These three lists are designed to provide a complete reference service to meet the requirements of—

1. Laymen of the *lower income groups* who seek a lawyer willing to serve them for a relatively small fee within their means;
2. Laymen generally who seek a lawyer engaged in a particular field of the practice; and
3. Members of the profession who seek a specialist or a lawyer experienced in a particular field.

Approximately 250 members have already registered, and Registration Forms at the rate of 3 to 5 each day are now being received at the office of the Association.

Have YOU Registered Yet? If not, send in your Registration Form today. Registration is open to all members of the Association, and no registration fee is charged.

THE THIRD TERM TRADITION AND THE FOUNDING FATHERS

By Whitney Harris, of the Los Angeles Bar

FOR the first time in American constitutional history there will be presented to the American voters in this fall of 1940 the question whether a President shall be elected to a third consecutive term of office. The issue will be obscured by vital questions of domestic and foreign policy; yet in the course of history what the voters then do may, with respect to this principle, prove portentous to the future of American democracy.

It is unfortunate that this historic test must be involved with personalities and programs. Those whose banners fly from the presidential flag pole will either deny the tradition or justify the impending departure therefrom. On the other hand, many who would have favored a third term for Calvin Coolidge will find in this ancient precedent sound reason for denying a third term to President Roosevelt. It will not be possible to have a dispassionate case presented to a disinterested vote.

In 1787, however, there was no incumbent in office, no program in effect and no patronage control at the Constitutional Convention in assemblage at Philadelphia. Arguments on the general problem of presidential tenure and eligibility for re-election were there presented and considered in the honest light of personal disinterest. It is well, therefore, that at this epic time in American constitutional history a re-examination be made of the opinions and arguments of the founding fathers on this unique American proposition.

The Constitutional Convention seems not to have considered the precise issue of today—whether a President having held two terms in office shall be eligible for a third consecutive term.[1] The debates were rather to the choice of a short term (three years) with privilege of re-election, as proposed by James Wilson of Pennsylvania, or to a long term (seven years) without privilege of re-election, as proposed by Edmund Randolph of Virginia,[2] and were largely incidental to the greater controversy of whether the executive should or should not be elected by the Legislature. The proceedings show that the delegates were quite as fearful of an omnipotent legislature as they were of a dominant executive. Nevertheless, the arguments advanced for and against the single term proposal have some application to the issue of today and are, in any event, of interest in showing the underlying fears and philosophies of the men who drafted the Constitution.

The leader of the conventional clique which opposed limitation upon the right of re-election was Gouverneur Morris of Pennsylvania. "I find," he said, "that the executive is not to be re-eligible. What effect will this have? 1. It will destroy the great incitement to merit public esteem by taking away the hope of being rewarded with a re-election. It may give a dangerous turn to one of the strongest passions in the human breast. The love of fame is the great spring to noble and illustrious actions. Shut the civil road to glory, and he may be compelled to seek it by the sword. 2. It will tempt him to make the most of the short space of time allotted him, to accumulate wealth and provide for his friends. 3. It will produce violations of the very constitution it is meant to secure. For

[1]The only proposal of this kind was that of Gunning Bedford of Delaware—he proposed a triennial election with ineligibility after a period of nine years.

[2]The Virginia proposal was actually adopted by the Convention early in the proceedings, and was not displaced by the present provision until a few days before adjournment.

in moments of pressing danger the tried abilities and established character of a favorable president will prevail over respect for the forms of the Constitution."[3]

In these views, Morris was supported, nay, surpassed, by the brilliant young Alexander Hamilton of New York. He presented a virtually monarchical point of view. "As to the executive," he said, "it seems to be admitted that no good one can be established on republican principles . . . The English model is the only good one on this subject . . . Let the executive be for life." Hamilton argued that a President whose term of office was to be restricted to seven years should have but little power. For, he said, "He will be ambitious, with the means of making creatures, and as the object of his ambition will be to prolong his power, it is probable that in case of a war, he will avail himself of the emergency to evade or refuse a degradation from his place. An executive for life has not this motive for forgetting his fidelity and will therefore be a safer depository of power."[4] Hamilton seemed to be contending that the best way to avoid usurpation of the presidency for life is to give the President tenure for life to begin with.

On the other hand, Edmund Randolph, in supporting the proposal that the executive should not be eligible for a second term, argued that the President "should not be left under a temptation to court a re-election,"[5] and Hugh Williamson of North Carolina warned that with right of unlimited re-election the President "will be an elective king and will feel the spirit of one. He will spare no pains to keep himself in for life, and will then lay a train for the succession of his children."[6] Ineligibility for a second term appeared to Williamson to be the best precaution against the possibility of a return to monarchism, an event which he wished to postpone forever.

But it was left to Benjamin Franklin to make the wiliest argument against the privilege of re-election. "It seems to have been imagined by some," he said, "that returning to the mass of the people is degrading [to] the president. This is contrary to republican principles. In free governments the rulers are the servants and the people their superiors and sovereigns. For the former therefore to return among the latter is not to *degrade* but to *promote* them. And it would be imposing an unreasonable burden on [rulers] to keep them always in a state of servitude and not allow them to become again one of the masters."[7]

Upon adjournment of the Convention on September 17, 1787, the newly drafted Constitution was submitted to the States for ratification. It was then that, for the first time, non-eligibility for a *third* term was specifically proposed, in the form of a resolution by the New York convention for an amendment to that effect.[8] The proposal was never acted upon, although it is probable that the

---

[3]Hunt & Scott, DEBATES IN THE FEDERAL CONVENTION OF 1787, 1920, Oxford University Press, p. 283.

[4]*Ibid*, p. 117.

[5]*Ibid*, p. 284.

[6]*Ibid*, p. 313.

[7]*Ibid*, p. 325, matter in brackets added.

[8]It is interesting to speculate upon the probable outcome in the Constitutional Convention itself had the New York proposal been submitted to the consideration of the delegate. Compromise was the means of agreement on almost every controverted issue. A four year term with privilege of re-election for one additional term would have constituted a perfect compromise between those who favored three-year terms with right of re-election and those who favored a seven-year term without right of re-election. It is both interesting and significant to note that although he was at first ardently in favor of the Virginia plan, Thomas Jefferson later came to the belief that the New York plan offered the ideal solution to the problem. He says in his AUTOBIOGRAPHY, "The service for eight years, with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience."

fight then in progress for a Bill of Rights diverted public attention from it. The question was, however, debated by the leading minds of the period, with Hamilton emerging as the champion of re-eligibility and Jefferson as its principal foe.

Jefferson was in Paris both during and after the Constitutional Convention. He was greatly alarmed when he learned that the Convention had failed to provide a limitation upon re-election to the presidency, and he wrote frequently on the subject to his friends and to persons of influence in the States. These letters show that he feared above all else the danger of a return to monarchism, and that he favored non-eligibility as the surest check against such possibility in the new world.

In 1787 he wrote to Madison: "The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the president. Reason and experience tell us that the first magistrate will always be re-elected if he may be re-elected. He is then an officer for life."

In 1788 he wrote to Washington: "I dislike strongly . . . the perpetual re-eligibility of the President. This, I fear, will make that an office for life, first, and then hereditary. I was much an enemy to monarchies before I came to Europe. I am ten thousand times more so, since I have seen what they are."

Hamilton was in political philosophy as aristocratic as Jefferson was democratic, as fearful of the uncontrolled mob as Jefferson was of a despotic monarch. He had proposed to the Convention an executive holding office for life. There is little wonder that he defended re-eligibility of an executive whose term of office was only four years. "Re-eligibility," he wrote of the president,[9] "is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station, in order to prolong the utility of his talents and virtues, and to secure to the Government the advantage of permanency in a wise system of administration."

Hamilton advanced five principal arguments against the single term proposal. They were:

(1) That a single term would diminish the inducement to good behavior arising from the desire for additional terms in office.

(2) That it would lead to "the temptation to sordid views, to peculation, and, in some instances, to usurpation." . . . "An avaricious man who might happen to fill the office," he warned, "looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted, and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory."

(3) That it would deprive "the community of the advantage of the experience gained by the chief magistrate in the exercise of his office."

(4) That it might deprive the nation of presidential leaders in times of emergency when "their presence might be of the greatest moment to the public interest or safety."

(5) That it would "operate as a constitutional interdiction of stability in the administration."

[9]The Federalist, No. LXXII, Vol. II, pp. 65 ff.

Washington agreed with Hamilton that prudence did not require an express limitation of presidential tenure in the Constitution, but he apparently agreed with Jefferson that the principle of rotation in office was most compatible with a constitutional democracy. In his letter to Lafayette, written in 1788, he wrote: "Guarded so effectually as the proposed Constitution is in respect to the prevention of bribery, and undue influence in the choice of President, I confess I differ widely from Mr. Jefferson and you as to the expediency or necessity of rotation in that appointment. The matter was fairly discussed in the Convention, and to my full conviction. Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man who in some great emergency shall be deemed universally most capable of serving the public."

Yet in his first Farewell Address, written in 1792, shortly before the end of his first term, he stated: "May I be allowed further to add as a consideration far more important, that an early example for rotation in an office of so high and delicate a nature may equally accord with the Republican spirit of our Constitution and the ideas of liberty and safety entertained by the people."

It has been thought by some that Madison was responsible for the inclusion of these words in the first Farewell Address. Certain it is that no mention of the principle of rotation in office is to be found in his last Farewell Address. Perhaps this was because Washington felt that he had himself prevented the establishment of a single term precedent and that future Presidents, following his example, would in any event not aspire to three or more. Perhaps it was because he felt that the simple, heart-felt remarks which he gave in explanation of his retirement were more appropriate.

Whatever he then thought, the action of President Washington on that historic 17th day of September, 1796, in voluntarily announcing his intention to relinquish office at the end of his second term, inaugurated an American precedent, which, thus established, has persisted without challenge to this day.[10] Whether it shall continue to survive will depend upon the action of the American people in this epic election of 1940.

---

[10]Both Grant and Theodore Roosevelt aspired to a third term. Neither sought a third consecutive term, however, and neither succeeded in obtaining the nomination of his own party.

JOURNAL OF THE AMERICAN JUDICATURE SOCIETY AVAILABLE FREE OF CHARGE

For the past three years the Journal of the American Judicature Society has been sent to every member of the American Bar Association, without cost. This was possible because ten cents of each member's dues were allocated by the Association to the cost of publishing the Journal. This arrangement has been terminated, and now the Society announces that the Journal will be sent free of charge to all those who write for it. If you want to receive this excellent periodical, write to the American Judicature Society, Ann Arbor, Michigan, and ask that future issues of the Journal be sent to you.

ACTIVITIES OF JUNIOR BARRISTERS

Hudson B. Cox, of the Los Angeles Bar

WITH the advent of another issue of the BULLETIN, we find the Junior Barristers' activities still largely in the summer doldrums, which of course casts no discredit upon them for the condition is, like the Spanish siesta hour, one of widespread prevalence and has acquired over the years the sanctity of a custom. However, as lights are reflected brightest against the background of quiescent waters, so two or three of the Committees have stood out last month conspicuous for their energy of purpose and deserving of praise in their accomplishments.

The Social Events Committee, headed by Stan Gleis, worked overtime arranging for a summer dinner dance for the Junior Barristers and their guests which by the time this goes to press, will have passed from anticipation into memory. This affair being held at the Somerset House, one of the more intimate variety of private night clubs, shows every advance sign of being as well attended and popular as other parties this Committee has arranged in the past.

Whitney Harris' Law Lecture Committee, which has been responsible for arranging a series of "Law Breakfasts" held on the second Wednesday of each month during the summer has found the response of the Junior Barristers so heartening that it recalled Mr. Ashburn, the second speaker on its series, for a repeat performance. On July 24th, Mr. Ashburn continued and concluded his highly entertaining and instructive discussion on "The Preparation of a Law Suit" which time and the scope of his subject had prevented him finishing at the breakfast on July 10th. Mr. Hubert T. Morrow followed as speaker at the breakfast on August 14th and demonstrated again that the younger members of the bar are ever willing to profit from the counsel of experienced lawyers. Mr. Morrow, talking on "The Trial of a Law Suit," gave many a piece of sage advice fittingly illustrated with anecdotes drawn from his years of practice before juries and the court.

The Radio Committee in addition to arranging for and sponsoring its regular Monday evening series of broadcasts entitled "The Lawyer's Storybook," is now preparing to present a play over the air called "The Counsel Assigned." This radio play specially adapted by one of the Junior Barristers, Jerome Ehrlich, deals with an episode in the law career of Abraham Lincoln and will present an excellent opportunity for some nine or ten young lawyers to try out their histrionic talents. If well received, this radio play will be the progenitor of a series to be presented by the Junior Barristers.

The Legal Aid Committee, one of our most faithful standbys, has continued to lend its useful assistance to the Legal Aid Foundation. Jay Stein had immediate supervision over the work of the Committee in July and Chuck Stanley took over during August. In addition to supplying volunteer helpers in the work of the Foundation, the Committee is going to take over all court appearances for the Legal Aid while its offices are closed from August 16th to September 3rd.

Les Tupper's Bar Bulletin Committee met twice during the last month and is forming its plans for the January issue of the BULLETIN, which is entirely the product and responsibility of the Junior Barristers.

The Placement Bureau filled three positions last month and its various subcommittees continue to comb the city for other openings. Bob Hastings, in charge of the section for the solicitation of employment opportunities in law offices, now has twenty-three volunteers working for him in visiting and familiarizing the various law offices with the work of the Bureau, and if twenty-three young lawyers can't ferret out potential openings, they don't exist.

PROPOSED STANDARDIZATION OF LEGAL PERIODICALS AND BAR PUBLICATIONS

By William B. Stern, Head Cataloger County Law Library

IN late years, legal periodicals have become more and more important to the profession they serve. Twenty-five years ago, Professor Wigmore found it necessary to say that "For ten and twenty years past there have been at the service of the profession some half a dozen legal periodicals, publishing the weightiest critiques of current legal problems. There is nothing in judicial opinion to show that these articles have ever been read. . . ."*

If these remarks were ever justified they would not hold true today. Law reviews, with their articles embodying the results of research and their notes giving information on recent legislation and decisions, are indispensable implements of law students, lawyers, and judges. As a natural result, legal periodicals have grown in number and quality. Between 1937 and 1939, no less than 28 periodicals started publication, although some of them, it is true, disappeared after the issuance of a few numbers.

The growth of the periodical literature is most obvious in the field of bar publications. Of the 28 new periodicals, 18 were sponsored by bar organizations who recognized the value of a regular news organ in which items of local interest, or items of particular interest to the bar, could be published.

Periodicals of state and city bar organizations have chiefly been maintained for a clientele of local readers. Often, out-of-town distribution was not planned in the beginning, and some instances are known in which distribution to libraries of other states has been refused or discouraged. Practically, however, bar periodicals which contain more than announcements of meetings and other news items, arouse, by their very existence, the interest of a wide-awake national bar, and they can be found in all the large law libraries of the country.

Why all this introduction? It is intended to show the cause for the fact that many first editors of a "Bar Bulletin" or a "State Bar Journal" who had thought that they would find readers only in their own city or state, called the new publication just "Bar Bulletin" or "State Bar Journal," without any reference to the geographical name of the region in the title, and could not forsee that these short titles would cause endless confusion in citations and in libraries. Similarly, the editors of such periodicals did not see much need for following established rules of paging, the publication of title pages, and, most of all, of indices, nor for applying rules of citation which are gradually becoming a "must" in legal writing.

The American Association of Law Libraries has recently inaugurated a program for standardization in the field of legal periodicals and bar publications. As an initial step, letters were sent to the editors of bar periodicals to ascertain their reaction to tentative "Minimum Standards" as set up by a Committee of the Association. These Standards are:

1. NAME OF PERIODICAL. The name should be distinctive and should contain reference to the state, county, or city in which it is issued.
2. PAGING OF VOLUMES. The pages of each volume should be numbered consecutively. Leaves (front- and back-page) which contain nothing but the title-page of an individual issue (number) or/and advertisements, should not be included in the numbering of the pages of the volume. The practice of starting new numbering with each issue

*A Supplement to a Treatise on the System of Evidence, ("Vol. 5" of the Treatise), 2nd ed., Boston, Little Brown and Company, 1915, p. vi.

(number) should be definitely avoided. Supplements should be included in the volume numbering. Where possible advertisements should *not* be made a part of the signature of a periodical, as this prevents easy removal of such pages and therefore somewhat complicates binding.

3. TITLE PAGE. The last issue (number) of each volume should contain a title page for the volume, which can be bound at the beginning of the volume. This page should *not* be numbered.
4. INDEX. The last issue (number) of each volume should contain an index to the volume. It is advisable, but not necessary, to separate the index into (a) an index of persons, including authors, (b) an index of leading articles by title, (c) a subject index, (d) an index of case notes by name of case or citation.
5. RULES OF CITATION. For citations, generally adopted citation rules should be followed. These citation rules can be found, *e. g.*, in "A Uniform System of Citation—Form of Citation and Abbreviations," 6th ed., published by the Harvard Law Review Association, 1939 (50¢). See also, "Citation to Legal Classics," 33 Law Library Journal (1940) 27.

It is hoped that all bar organizations will adopt these Standards for their publications. Local librarians will be glad to assist in their interpretation. Several approving comments have already been received from bar organizations, one of them, addressed to a Committee member, reads: ". . . You, and the other members of this committee, are to be congratulated for taking on the job that you are doing as it undoubtedly will be a valuable contribution to a more progressive system of legal periodicals."

LAW LIBRARY NOTES

By Thomas S. Dabagh, Librarian

EXPENDITURE PERCENTAGES. The 1939-40 report of the Secretary furnishes data showing that 13% of the income was added to reserve, and that of the total expenditures for the year, 47% went for books, 43.5% for salaries, 1% for binding, 5% for other maintenance, and 3% for capital outlay. The three largest law libraries for which figures are available show expenditures of 31.5% for books and 57% for salaries, in 1938-39.

PUSHCARTS. Small carts for the individual use of patrons, comparable to those found in self-help stores, have been installed to facilitate gathering of books from the shelves, and their use at the tables. They have been found convenient by many patrons.

EXCHANGES. Duplicate inactive materials are being exchanged for items heretofore lacking in the Library, on a small but profitable scale. A recent recapitulation shows 372 items received, with 285 items sent in exchange, since the opening of the exchange accounts last year. Twenty-one law libraries participated in the transfers.

NEW BOOKS

Among the books received recently are the following which may be of special interest:

ADMIRALTY. Robinson's new Hornbook on Admiralty reviews the law relating to seamen as well as maritime liens, carriage, and collisions. Standgaard's Internationality of Shipping: Bills of Lading, offers a simplified exposition of the international rules.

BIOGRAPHY. The Life and Times of Edmund Pendleton, by Hilldrup, is an account of one of the "founding fathers," described as a man "who, refusing to join ranks with conservatives or radicals, strove to maintain unity by adopting moderate measures," and who exerted great influence on the course of our constitutional development.

Auerbach's The Bar of Other Days consists of sketches of appreciation of leaders of the New York Bar, of the period represented by Joseph Choate, David Dudley Field, Elihu Root, and Benjamin Cardozo, among others.

CIVIL RIGHTS. George E. Farrand presents his remarks before a lay group on the significance of the bill of Rights in a pamphlet of that title. Mangum's review of the statutes and cases on the relations of the white and colored races since the Civil War, under the title Legal Status of the Negro, is also of interest as a book on civil rights generally.

CONFLICT OF LAWS. Characterization in the Conflict of Laws, by Robertson, discusses practical as well as theoretical aspects of deciding what legal complexion should be given to a problem of private international law before a court.

CONSTITUTIONAL LAW. Selected opinions on Public Control of Business by Justice Stone present a unified account of the Justice's point of view. A preliminary biographical sketch is included.

Amos on the American Constitution is an examination of American constitutional law by a well informed Englishman. The last chapter reviews the legal problems involved in the New Deal activities.

DEAD BODIES. California Law Governing Funeral Directors, Cemeteries and Coroners, by Brennan, is a comprehensive legal treatise on the disposition of dead bodies in this State. It includes forms, and references to opinions of the Attorney General, as well as to statutory and case law.

LABOR LAW. The growing body of labor law literature now includes Jaeger's Cases and Statutes on Labor Law. Textual introductions and footnotes to each section of cases serve as an outline of labor law.

NEGOTIABLE INSTRUMENTS. A 4th edition of Ogden's well known summary of the law of commercial paper is now available.

PATENT LAW. Rivise and Caesar on Interference Law and Practice, volume one, covers contests of priority of invention up to but not including the motion period. An appendix of forms is included. Gregory's Uses and Applications of Chemicals is a guide to the uses of over five thousand products, and gives U. S. and foreign patent numbers.

PRACTICAL SUGGESTIONS. The Law Office Secretary's Manual, by Antus, like the Parker & Baird Legal Secretary's Handbook, presents elementary information on legal procedures and forms, and is of value to beginning lawyers as well as to secretaries. It is based on New York practice.

REAL PROPERTY. An abridged edition of Tiffany on Real Property, by Zollman, offers a comprehensive but simple statement of the law.

TAXATION. Canadian dominion and provincial tax laws and decisions are covered by the C. C. H. Canadian Tax Service, a loose-leaf set of three volumes.

TRADE MARKS. Fox's Canadian Law of Trade Marks discusses also the law relating to unfair competition and the protection of industrial designs. War measures are referred to, to the time of publication.

WAR LAW. The T R I War Coordinator offers legal and other information on a wide variety of subjects affected by war conditions. The volume is a loose-leaf service, and is logically organized by subjects. Material is included on the mobilization of man power and of industry.

LAWYERS, LOOK AROUND

By Russell H. Pray, of the Los Angeles Bar

THE title and contents of this article were prompted by the analysis of litigation by Whitney Harris in the February BAR BULLETIN entitled "LAWYERS LOOK OUT", and by the comment of the Hon. Lewis W. Myers, former Chief Justice of our Supreme Court, under the same title in the March BULLETIN, the article "LAWYERS LOOK AGAIN" by Max Zimmerman in the April BULLETIN and "LAWYERS LAST LOOK" by Mr. Harris in the May issue.

While we are in the process of looking out or taking last looks, it would not be amiss to look around, and in doing so we find that the problem as outlined by Mr. Harris in the February BULLETIN is not peculiar to California or Los Angeles.

Lester G. Seacat of the Kansas City Bar has dealt with the matter by careful analysis not unlike that of Mr. Whitney Harris, in a splendid article contained in the April issue of the Kansas City Law Review, entitled "THE PROBLEM OF DECREASING LITIGATION". With the permission of Mr. Seacat and the Kansas City Law Review. I am setting forth a condensation of his article. Mr. Seacat writes in part as follows:

The possibility that the lawsuit, as an institution, is declining in popularity or that the people are turning to other methods for the adjustment of their controversies creates a variety of problems of a very grave and perplexing character. While these problems to a large extent are of interest to the legal profession because of their occupational implications, a partial abandonment by the people of the ancient right to their day in court also presents a situation of public concern.

The purpose of this article is to present figures collected from a number of state courts.

The information presented here was procured directly from the office of the clerk of each court included in this analysis, except in the case of the Supreme Court of Missouri and the Appellate Division of the Supreme Court of New York, where published figures are available. Comprehensive statistics covering the work of the Federal courts have been gathered and published annually by the Attorney-General for many years, but very little has been done of this character with respect to the State courts. Hence, the original records themselves constitute the sole source of this information except in rare instances.

The two courts of original jurisdiction selected for review here are typical of the class of courts each represents. Together they present a composite picture of the operation of courts of original jurisdiction.

The Circuit Court of Jackson County, Missouri, embraces Kansas City and Independence and a fertile and heavily populated rural area. The population of the county has increase steadily from 283,522 in 1910 to an estimated 500,000 in 1939. The court is a ten-judge court.

The District Court of Montgomery County, Kansas, covers a typical mid-western county. Its population figure ha. been almost static since 1910, at about 50,000. Its largest city is Coffeyville (16,198 in 1930). One judge serves the county.

The following figures show the number of actions filed in the peak year and in the lowest subsequent year:

	CIVIL FILINGS	
Jackson Co., Mo.	High — 1930 — 11,181;	Low — 1939 — 7,662
Montgomery Co., Kan.	High — 1924 — 657;	Low — 1939 — 364
	CRIMINAL FILINGS	
Jackson Co., Mo.	High — 1926 — 2,394;	Low — 1938 — 511
Montgomery Co., Kan.	High — 1924 — 657;	Low — 1939 — 364

On the Jackson County civil docket business was on the increase consistently, from year to year almost without exception, between 1920 and 1930. There was a sharp decline in the next two years. Between 1932 and 1935, the volume of this class of cases held steady, but since 1935, it has dropped in three years out of four. In 1939, the number of these cases filed was 68 per cent of the number filed in the peak year of 1930.

The volume of civil business in Montgomery County increased, more or less consistently from year to year from 1905 until 1917. From then until 1924, this growth was very rapid. After 1924, the volume of litigation dropped sharply for a couple of years, and then followed a zig-zag pattern from year to year until 1933. Since then, losses in one year have more than offset gains in another and the net result is that the business as a whole in 1939 was 62 cases under what it was in 1905, thirty-four years ago. The writer is fairly familiar with conditions in Montgomery County during this time and knows of no change of condition which accounts either for the seven year expansion of litigation prior to 1925 or for the sudden slump afterwards. Of course, after 1930, the influence of

the depression is inseparable from any consideration of this kind, but it is submitted that in this instance that influence is not clearly distinguishable.

These two courts present a marked contrast in timing between the onset of the recession in litigation and the onset of the general depression. This contrast is also present among the other courts included in this analysis. It is one fact which cannot be ignored in any effort which may be made to account for the fluctuations in the volume of litigation from time to time.

There is a most surprising comparison between the trends in criminal prosecutions in these two unrelated courts. Prior to 1927 the volume of criminal cases in each court had varied considerably for several years, but at that time in each court, there began a period during which the same general tendency persisted year after year.

A sudden increase in criminal business in Jackson County in 1939 to 900 was due to the activity of several successive "clean-up" grand juries. On the other hand, Montgomery County which, unlike Jackson County (Kansas City), never had a reputation for lax law enforcement, had a drop in criminal prosecutions of 46% between 1927 and 1937, followed by a small rise.

Similar investigations in other *nisi prius* courts where opportunity has permitted show the same general trend and indicate that these two courts provide an adequate working sample. The gradual recession in prosecutions has been noted in other courts. Criminal appeals filed in the Supreme Court of Missouri dropped 45% from 1929 to 1939; criminal appeals disposed of by the Supreme Court of Kansas dropped 60% from 1928 to 1938; criminal prosecutions filed in the District Court of Wyandotte County, Kansas (Kansas City, Kansas), dropped 57% from 1929 to 1939.

Figures have been procured showing the annual volume of incoming business of appellate courts in Indiana, Kansas, Massachusetts, Michigan, Missouri, New York and West Virginia. The figures for the years prior to 1925 are not uniform throughout the group of courts represented, but the data is complete in each instance from 1925.

In number, these courts represent one-seventh of the states in the Union and 18% of the population.

The following figures show the volume of appellate business, both civil and criminal, in the peak year and in the lowest subsequent year:

Kansas	High	1922 — 737;	Low	1937 —	430
Indiana	High	1925 — 660;	Low	1939 —	354
Massachusetts	High	1926 — 542;	Low	1938 —	345
Missouri	High	1927 — 1,126;	Low	1936 —	623
New York (App. Div. First Dept.)	High	1931 — 1,988;	Low	1937 —	1,547
Michigan	High	1932 — 792;	Low	1939 —	510
West Virginia	High	1934 — 317;	Low	1939 —	158

These figures indicate that litigation in appellate courts at the low point was about 60 per cent in volume of what it had been at the high point. Stated another way, three lawsuits were being filed at the low point where five lawsuits were being filed a few years ago. Obviously, it does not follow that the economic depression was the one single event that was the cause of a condition which so clearly antedated the event from two to seven years. It may very well be a contributing cause, but some valid reason must be found to account for the recession of litigation which occurred before the depression was even anticipated. Moreover, there is no indication that the decrease has run its course.

In some courts there has been an improvement in the last two or three years, but this has not been substantiated in any case and may be little more than a temporary retardation in the rate of decline.

Does this decrease in litigation signify that there has been a practical realization of the ideal that the law should prevent lawsuits, or does it result from a widespread popular dissatisfaction with courts and lawyers? Is there 40 per cent less social friction requiring judicial adjustment than there was a few years ago? Have more desirable methods for the adjustment of disputes than the long established process of the law been developed or are the people foregoing rights and tolerating wrongs because of the delays, uncertainties and expense of litigation?

Of course, the law, like other social forces in a rapidly changing world, is constantly opening up new frontiers by creating new legal relationships between individuals and between the citizen and the state. Nevertheless, the prospect that lawsuits to be prosecuted or defended are becoming less and less numerous from year to year and that this condition of affairs may not be merely a temporary condition, presents a problem of prime importance to the American lawyer and to the student who is beginning his study of law today.

LAWYERS TO ASSIST COMMUNITY CHEST

PRESIDENT HERBERT FRESTON, of the Bar Association, has accepted appointment as a member of the Citizens' Sponsoring Committee of the Community Chest, for the forthcoming seventeenth annual appeal of the local Chest. In order to give a clear field to the 18,000 or more volunteer workers to be put in the field, this committee of 57 outstanding executives of as many organizations, has asked 2,400 groups and organizations to refrain from launching or conducting any fund-raising campaign or drive during the period beginning October 15 and ending November 30, the intensified period of solicitation. The committee, in a statement, holds the conviction that in consideration of the one annual appeal of the Chest on behalf of its 88 member agencies, such a conflict-free season will be of mutual advantage to all organizations.

With this open opportunity for workers, more volunteers are needed this year, points out Chairman Paul K. Yost. Men and women interested in exhaustive humanitarian endeavor are urged to contact the Chest headquarters at 1151 South Broadway, PRospect 7351, and accept assignments for duty.

The slogan "We must take care of our own" will be used as a reminder to citizens whose attention has been distracted by world events. "Caring for our own," said Chairman Yost, "can and will be done entirely without prejudice to the needs of people in war disturbed countries. There are many thousands of adversity's 'refugees' and underprivileged in our own communities ineligible for governmental agency assistance, who will require succor and relief from Chest agencies the coming winter and months thereafter."

Other members of bench and bar cooperating with the Chest include: Louis J. Canepa, George E. Kennedy and Charles B. Robinson, members of the Citizens' Sponsoring Committee; Gardner Bullis, John O'Melveny, Joseph P. Loeb, Earl Morris, Charles G. Stratton, Joseph Scott, George W. Dryer, Judge Ralph E. Jenney, and Judge Robert H. Scott.

THE DILEMMA OF SUSPENDED AND DISBARRED ATTORNEYS

By Philbrick McCoy,* of the Los Angeles Bar

IN the seventy-five years preceding the creation of the State Bar of California in 1927, only a few more than one hundred attorneys had been suspended or disbarred as a result of disciplinary proceedings or by reason of their conviction of some offense involving moral turpitude. During the past thirteen years more than three times as many attorneys have been suspended or disbarred for similar reasons, and several hundred have been suspended each year for failure to pay their annual fees as members of the State Bar. These suspensions and disbarments give rise to a problem which is not readily solved. Those who are affected may not engage in the practice of law. On the other hand, it must be assumed that, in undertaking to earn their livelihood, they cannot be expected to disregard their knowledge and experience, which are usually the only tools at their command. What, then, is the limit of the activities which may properly be permitted to them? In the very nature of things, this question has no all-inclusive nor exact answer; only a partial answer can be attempted.

EFFECT OF SUSPENSION OR DISBARMENT

An order disbarring an attorney constitutes a revocation of his original license, and, in order to regain the right to practice law he must apply for readmission to the bar. (*Kepler v. State Bar,* 216 Cal. 52.) "The difference between a judgment of disbarment and one of suspension is a difference of degree only," since the greater includes the lesser. (*Bar Association v. Cantrell,* 53 Cal. App. 758.) This is true, of course, as to the force and effect of the order on the rights and privileges of the attorney after his disbarment or during his suspension, although a suspended attorney need not apply for reinstatement at the end of the period of suspension. In *In re Hittson,* 39 Cal. App. 91, the court held that a judgment of disbarment "does no more than take away the rights granted by the order of admission to practice." An order of suspension has the same effect during the period of suspension. (See *In re Carpenter,* 213 Cal. 122.) In both cases, therefore, the attorney involved must be considered as an unlicensed person; his rights and privileges are no greater than those of an unlicensed person, and he will be so considered here.

PERMITTED ACTIVITIES

The question is seldom approached from the affirmative point of view. (See Note, Extent of restriction on right of disbarred or suspended attorney or unlicensed person to transact legal business for another, 24 L. R. A. (N. S.) 750; Note, What amounts to practice of law, 111 A. L. R. 19.) The pertinent statutes of this state are prohibitive rather than permissive, and injunction, contempt and other proceedings involving the practice of law are of like character.

---

*(Counsel for The State Bar of California, 1930-1940.)

The extent of the activities which may properly be permitted a disbarred or suspended attorney, like those which are permitted any other unlicensed person, can best be determined from decisions in cases involving the unlawful practice of the law. The decisions in this class of litigation are legion. In discussing them here no attempt is made to determine the extent to which the courts of this state would follow the decisions in other jurisdictions.

Some three hundred or more cases are included in a recent compilation, entitled Brand's Unauthorized Practice Decisions, published in 1937 by the Detroit Bar Association. Brand lists but twenty-nine cases in which the contentions made as to the unlawful practice of the law were not upheld for one reason or another. Of these we may eliminate from consideration those which are in conflict with the settled law of this state and those which only concern the activities of corporations. Based on the remaining cases it may be stated that an unlicensed person may accept employment from title guarantee and trust companies to prepare documents which may "lawfully be prepared as an incident to its regular business" (*People v. Title Guarantee & Trust Co.*, 227 N. Y. 366, 125 N. E. 666); make reports as to the status of the title of real estate, in the nature of a certificate of title, without any statement as to its validity or nature, or the validity of existing liens (*State v. Retail Credit Men's Assn.*, 163 Tenn. 450, 43 S. W. (2d) 918); perform the necessary services of a patent attorney, if licensed as such, and act as agent and counselor in looking after the principal's patent and trade-mark matters generally, employing counsel for the principal if and when necessary (*Schroeder v. Wheeler*, 126 Cal. App. 367, 14 P. (2d) 903); prepare legal documents under the supervision and direction of licensed attorneys (*Childs v. Smelzer*, 315 Pa. 9, 171 Atl. 883); and draw simple instruments incident to transactions in which he is personally interested, such as are usually prepared upon or with the aid of printed forms, provided no charge is made therefor. (*Cain v. Merchants National Bank & Trust Co.*, N. Dak., 1936, 286 N. W. 719.)

Not infrequently the question is raised, as in *Schroeder v. Wheeler, supra,* when the unlicensed person seeks compensation for his services, and the defense is that the plaintiff is not an attorney at law and that the services were legal in character so as to preclude a recovery. A note in 4 A. L. R., at page 1087, includes references to the following cases of this character in which it was held the plaintiffs could recover because the services in question were not such as could be performed only by an attorney: *Mulligan v. Smith*, 32 Colo. 404, 76 Pac. 1063 (services performed before the United States Land Department in securing a patent); *Bird v. Breedlove*, 24 Ga. 623 (argument before legislature in favor of a pardon for a convicted criminal); *Dunlap v. Lebus*, 112 Ky. 237, 65 S. W. 441 (services rendered in presenting facts and securing reduction of a tax claim); *Westcott v. Baker*, 83 N. J. Law 460, 85 Atl. 315 (examining title for survey and ascertaining encumbrances, which matters are not connected with any pending litigation); *Lang v. Fritze* (Tex. Civ. App. 1899), 54 S. W. 36 (seeing witnesses, ascertaining what their testimony would be, and reporting facts to defendant's attorney).

This enumeration cannot be greatly extended. Reference may be had to the many annotations in L. R. A. and A. L. R.; to C. J. S., Attorney and Client, sec. 3, p. 705, note 31; and 5 Am. Jur., Attorneys at Law, sec. 3, p. 262. Particular attention may be called to the case of *Metcalfe v. Bradshaw*, 145 Ill. 124, 33 N. E. 1116, 36 Am. St. Rep. 478, holding that the execution of trusts, such as accepting appointments as administrator or executor, and acting as such,

is not part of the duties pertaining to the legal profession and does not constitute what is ordinarily understood as the practice of law. An executor is not required to employ an attorney to represent him in court, and it is probable that he may appear on his own behalf in the probate court without engaging in the practice of law. (See 11b Cal. Jur., Extrs. and Admrs., sec. 1045; *Estate of Murphy,* 171 Cal. 697.)

Disbarred and suspended attorneys are particularly interested in the question of just what activities are permitted to them when working in law offices. An answer to this is found in *Johnson v. Davidson,* 54 Cal. App. 251. In that case, on denying a petition for hearing after decision by the District Court of Appeal, the Supreme Court said (p. 257) that it is lawful for an attorney to employ an unlicensed person to take charge of the management of the work to be done in his office to the extent of drawing pleadings and papers necessary to be drawn by such attorney in his practice, and receive as compensation a fixed percentage of the fees received by the attorney for his services. "Such an agreement," said the Supreme Court, "is not an agreement to become partners in the practice of law." This case is discussed in a note in 10 Cal. Law Rev. 146; it has not been cited in any later decision in this state as to the question here. The case of *Ferris v. Snively,* 172 Wash. 167, 19 P. (2d) 942, 90 A. L. R. 278, to like effect, is fairly summed up in 5 Am. Jur., Attorneys at Law, sec. 4, as follows:

> "The work of a law clerk approaches in a degree that of the attorney by whom he is employed; so long, however, as it is work of a preparatory nature, such as research, investigation of details, assemblage of data, and such other work as will enable the employer to carry the matter to a conclusion through his own examination, approval, or additional effort, it does not constitute the practice of law. However services rendered by a law clerk in handling uncontested probate matters, giving oral opinions on abstracts of title, and in preparing wills, leases, mortgages, bills of sale and contracts, upon his own initiative, with no supervision from his employer, even though performed without compensation direct from the client, amount to the practice of law within the meaning of a statute prohibiting an unlicensed person from doing work of a legal nature."

This rule was followed recently by the Superior Court in San Diego in sustaining the conviction of a law clerk for contempt of court. (*Heinrich v. Superior Court,* Cal. State Bar Journal, June, 1940, p. 168.)

Briefs which are signed and filed by persons who are not permitted to practice law cannot be received or recognized by the courts, and may be ordered stricken from the files. (*Ellis v. Bingham County,* 7 Idaho 86, 60 Pac. 79; Note, 24 L. R. A. (N. S.) 750.) However, in the absence of any authority to the contrary, there would seem to be no reason why a disbarred or suspended attorney should not prepare briefs for an attorney who may employ him to "enable the employer to carry the matter to a conclusion through his own examination, approval, or additional effort." (*Ferris v. Snively, supra.*) This would certainly be work of a preparatory nature only.

The cases of *Johnson v. Davidson, supra,* and *Ferris v. Snively, supra,* are cited in the note in 111 A. L. R. at page 45, on the question of what amounts to the practice of law.

PROHIBITED ACTIVITIES

As indicated above, the question is usually approached from the negative point of view. For that reason some reference to the statutes and the decisions may be helpful.

There is no statute in this state defining the practice of law. (See 9 Cal. Jur., Supp., Practice of Law, sec. 62, p. 332.) Whether an act constitutes the practice of law will be determined from the facts of each particular case. As the court said in *People v. Ring,* 26 Cal. App. (2d) (Supp.) 768, the offense need not have "all the precision in outline of a geometrical figure." Wisely, no court has yet attempted to determine the outer limits of the definition. (See *In re Otterness,* 181 Minn. 254, 232 N. W. 318, 73 A. L. R. 1319; *People v. People's Stock Yards State Bank,* 344 Ill. 462, 176 N. E. 901; 9 Cal. Jur. Supp., Practice of Law, sec. 6, p. 330.)

Former section 299 of the Code of Civil Procedure provided that an attorney suspended or disbarred as a result of proceedings under the Code was "precluded from practicing as an attorney at law, or as an attorney or agent of another in and before all courts, commissions and tribunals in the state, including justices' courts, recorder's courts and police courts, and from practicing as attorney or counselor at law in any manner and from holding himself out to the public as an attorney or counselor at law." The law now provides (State Bar Act, sec. 6117): "During such disbarment or suspension, the attorney shall be precluded from practicing law." Section 6084 of the State Bar Act (former sec. 26), which provides for the court's order of suspension or disbarment as a result of proceedings had pursuant to the Act, does not contain any such provision. But since, in either case, it is the court which disbars or suspends, it may be considered that there is no difference in the force and effect of its orders, regardless of the method of procedure adopted.

It is provided by section 6126 of the State Bar Act that "any person advertising himself as practicing or entitled to practice law or otherwise practicing law, after he has been disbarred or while suspended from membership in the State Bar, or who is not an active member of the State Bar, is guilty of a misdemeanor." This section, which has its origin in former section 161a of the Penal Code and former section 49 of the Act, should be read with sections 6125 and 6127 of the Act as codified in 1939 (Stats. 1939, p. 347). In *People v. Ring, supra,* it was contended that former section 49 of the Act was void as the basis of a criminal prosecution because it contains no definition of the practice of law, "and thus persons on whom the statute is to operate are left in the dark as to what acts are declared unlawful." On the authority of *People v. Merchants Protective Corp.,* 189 Cal. 531, and later California cases adopting the definition of the phrase from *Eley v. Miller,* 7 Ind. App. 529, 34 N. E. 836, the court held that "no lethal uncertainty inheres in the words 'practice law,' as used in the statute in question," and that no further definition was necessary. In the same case the court held that the commission of a single act would constitute a violation of the section.

Prior to 1933, an unlicensed person could appear as attorney for another in the justice's courts in this state, by reason of the provisions of section 842 of the Code of Civil Procedure. (*In re Hittson,* 39 Cal. App. 91.) That section was repealed in 1933, and only an attorney at law may now appear in a representative capacity in those courts. (*Gray v. Justice's Court,* 18 Cal. App. (2d) 420.)

The rights of a suspended or disbarred attorney appear to be further restricted by section 6130 of the State Bar Act, based on former section 300 of the Code of Civil Procedure, enacted in 1931.

> "Sec. 6130. No person, who has been an attorney, shall while a judgment of disbarment or suspension is in force, appear on his own behalf as plaintiff or defendant in the prosecution of any action where

the subject of the action has been assigned to him subsequent to the entry of the judgment of disbarment or suspension and solely for the purpose of collection."

This section was held unconstitutional in 1925, in *O'Connell v. Judnich,* 71 Cal. App. 386, in so far as it purports "to prevent one from personally appearing in a court of justice in pursuit or defense of a constitutional right—whether of person or property." The court cited *Philbrook v. Superior Court,* 111 Cal. 31, in support of its decision. Two years later, in *Koepple v. Morrison,* 84 Cal. App. 137, section 300, Code Civ. Proc., was held to be constitutional, but the cases of *O'Connell v. Judnich, supra,* and *Philbrook v. Superior Court, supra,* are not referred to in the opinion. The constitutionality of the section has not been determined by the Supreme Court. It is submitted that this section is not unconstitutional in so far as it prevents a suspended or disbarred attorney from pursuing the practice of collection agencies of taking assignments of claims without consideration for the purpose of collection; in such a case the only interest he could have "would be the fruit of doing that which he is disbarred from doing, to wit: practicing his profession." (*Koepple v. Morrison, supra.*) On the contrary, the disbarred or suspended attorney may doubtless engage in the business of a collection agency where no assignments of claims are made to him and no attempt is made by him to collect them by litigation, and subject, of course, to the provisions of the Collection Agencies Act. (Stats. 1927, p. 822, as amended; Deering's Gen'l Laws, Act No. 1460.)

APPEARANCE BEFORE BOARDS AND COMMISSIONS

In some cases it is proper for unlicensed persons to appear in a representative capacity before boards and commissions; usually, in determining whether such appearances constitute the practice of law, the character of the act, and not the place where it is performed is the decisive factor. Note, 111 A. L. R. 32. In *Eagle Indemnity Co. v. Industrial Accident Commission,* 217 Cal. 244, it was held that, because of the policy declared by the legislature in the Workmen's Compensation Act, a person who had not been admitted to practice law in this state could appear in a representative capacity before the Commission, even though his acts might constitute the practice of law. It would seem that a disbarred or suspended attorney may not do so in view of the provisions of sections 6117 and 6126 of the State Bar Act.

APPEARANCE BEFORE FEDERAL COURTS

The activities of unlicensed persons before federal courts, commissions and tribunals are ordinarily of no primary concern to the state. In a recent case, however, it was held that state courts have jurisdiction to enjoin unlicensed persons from certain activities in proceedings in bankruptcy under the federal statutes. (*Depew v. Wichita Assn. of Credit Men, Inc.,* 132 Kans. 403, 49 P. (2d) 1041, certiorari den. 297 U. S. 710, 80 L. Ed. 997; and see *Rinderknecht v. Toledo Assn. of Credit Men,* 13 F. Supp. 555.) In this, as in other cases, the question is: do the acts involved constitute the practice of law?

CONCLUSION

An attorney who has been suspended or disbarred may not engage in the practice of law. While so suspended or disbarred he is deprived of the rights and privileges which he held by virtue of the order admitting him to practice. In this state the question of what amounts to the practice of law is one to be decided by the courts upon the facts of each particular case. In construing the statutes which prohibit the "practice of law," the courts have held that the legislature is presumed to have used the words as persons generally would understand

them, and not being technical or scientific terms "to practice as an attorney at law" means to do those things which are commonly and usually done by lawyers in this country. (*People v. Merchants Protective Corp.*, 189 Cal. 531; *People v. Ring, supra;* Note, What amounts to practice of law, 111 A. L. R. 21, n. 8.)

The courts have been hesitant to state the outer boundaries of the definition of the practice of law. They have been equally unwilling to state with finality all that a suspended or disbarred attorney may lawfully do. Generally speaking, his status is the same as one who has never been admitted to practice law (*State v. Swan*, 60 Kans. 461, 56 Pac. 750), and he is subject to the same limitations on his activities. In this state his activities are further limited by sections of the State Bar Act referred to above.

But whatever the suspended or disbarred attorney may or may not do lawfully, one point is well settled. He may not do under cover that which he cannot lawfully do at all, and hope to escape the consequences. (*In re Carpenter*, 213 Cal. 122; *In re Lacey*, 11 Cal. (2d) 699; *In re Lizotte*, 32 R. I. 386, 35 L. R. A. (N. S.) 794, 79 Atl. 960.) He is presumed to know the law, and it is his duty to obey the mandate of the Supreme Court, that he shall not engage in the practice of law, directly or indirectly, during the period of his suspension or after his disbarment. (*Lincoln v. Superior Court*, 95 Cal. App. 35, 41; *In re Lacey, supra.*)

INTERNESHIP

THE Cincinnati Bar Association Committee on Junior Bar Activities has undertaken to place new law graduates in private law offices for the current summer where they may gain practical experience. Those placed will work without compensation. Next year it is planned to arrange for apprenticeship periods in city, county and federal officers for law students about to begin their last school year. In both cases the period of service will be two months.

This program, according to the committee, has been received enthusiastically by the law schools. That students and graduates will welcome it is a foregone conclusion.

A letter from the committee has gone to each private office in the city, explaining the interneship plan and asking the recipient to place one of the young graduates in his office on the terms outlined.

It was explained that there would be no obligation of any kind on the part of the office to employ the graduate after his apprenticeship period had expired.

JAY J. STEIN WINS HONORABLE MENTION IN ROSS ESSAY CONTEST

The Ross Essay Contest was established by the will of the late Judge Erskine M. Ross of California, under the auspices of the American Bar Association. The 1940 winner of the contest was Professor Thomas Fitzgerald Green, Jr., of the University of Georgia. The prize was $3,000.00. In addition to the winning essay other essays submitted deemed worthy of recognition are printed in the American Bar Association Journal. The August, 1940, issue of the Journal contains the essay written and submitted by Jay J. Stein, a well-known member of the Los Angeles Bar Association. The title of the essay is "To What Extent May Courts Under the Rule-making Power Prescribe Rules of Evidence."

BRANCH OFFICE OF SUPERVISOR OF DOCUMENTS TO BE ESTABLISHED IN LOS ANGELES

IN 1937 the Los Angeles Bar Association initiated steps to have a branch office of the Supervisor of Documents established in this city. Considerable effort was made during that year to bring about the desired result, but little encouragement was received. On checking into the matter it was learned that a branch office of the Supervisor of Documents was established in San Francisco, and that all documents handled in the main office at Sacramento were handled in the San Francisco branch office; that the services offered by the San Francisco office had proved of inestimable value to the members of the Bar and others in that locality. Such use of the service was made at the San Francisco office that it became entirely self-supporting.

In the meantime the attention of the Board of Trustees of the Los Angeles Bar Association was invited to the fact that delay was being experienced by members of the Bar of Los Angeles County in procuring rules and regulations governing the many California commissions and other important documents printed by the office of the Supervisor of Documents, while if a branch office were maintained in Los Angeles all of this material would be readily available to the lawyers of this vicinity.

In March 1940 this matter was again brought to the attention of the Board of Trustees by the Committee on Law Libraries, and in harmony with the committee's request, the Board launched another effort to secure a branch office for Los Angeles. It immediately communicated with Mr. Robert A. Gardiner, Supervisor of Documents, at Sacramento, who expressed a desire to cooperate fully in the matter. It was found that Mr. Gardiner was fully cognizant of the benefit which would result from such a service, with a trained information clerk to advise the public of Los Angeles who must otherwise search for printed material and send to Sacramento for documents desired. The Board of Trustees then enlisted the assistance of Senator Robert W. Kenny. Senator Kenny and Herbert Freston, President of the Association, followed up the matter with Hon. John R. Richards, Director of Finance, with the result that we have now been assured that a branch office of the Supervisor of Documents will be established in Los Angeles in the not distant future.

The Department contemplates a very complete service, including the delivery of legislative bills in the same manner that the Department now conducts operations in the branch office at San Francisco, which office carries all the documents handled at Sacramento, and in addition maintains a large subscription service in tariffs of the transportation division of the California Railroad Commission. The San Francisco branch office is entirely self-supporting, and there is every reason to believe that the Los Angeles office will be self-supporting.

The maintenance of such a branch office in Los Angeles will of course eliminate the delays heretofore experienced by members of the Bar of Los Angeles County and environs in procuring the many documents printed by the State printer which have always been secured by members of the local Bar from the Sacramento office. No indication of the location of the office has been given, but it is expected that it will be established in the State Building.

The Bar is appreciative of the assistance and cooperation of Senator Robert W. Kenny, John R. Richards, Director of the Department of Finance of the State of California, and Robert A. Gardiner, Supervisor of Documents.

BULLETIN INDEX

TITLE INDEX TO ARTICLES

(References are to pages of Vol. 15)

INDEX TO SUBJECTS

(References are to pages of Vol. 15)

AUTHORS INDEX TO ARTICLES

(References are to pages of Vol. 15)

HOW TO LEGALIZE RESIDENCE
AND
OBTAIN CITIZENSHIP

Written by *Joseph Gach*

IMMIGRATION COUNSELOR, LOS ANGELES, CALIFORNIA

A BOOKLET of 41 pages covering completely the procedure and requirements to obtain citizenship in the United States. Written as a handy reference book, in simple language, to explain the various requirements and procedure to obtain a Declaration of Intention (first paper) and to file a Petition for Citizenship (final papers). Two chapters are devoted to legalization of residence, one covering aliens eligible to legalizing their residence while residing in the United States when entry occurred prior to July 1, 1924, and another, the obtaining of an immigration visa when the applicant entered illegally after July 1, 1924. The last chapter is devoted to a short quiz course on the fundamental facts about the government of the United States, giving specimen questions and answers that the application may be asked and must be prepared to answer before he will receive citizenship.

CONTENTS

This information is in accordance with the law and regulations in force as of January 1, 1940.

Price $1.00 tax included . . . . . Free Delivery Anywhere